



Practitioner's Docket No. P06038US0

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **RACHES, et al.**

Serial No: 10/647,492

Art Unit: 1746

Filed: August 25, 2003

Examiner:

For: **THREE RACK DISHWASHER WITH DOOR MOUNTED
SILVERWARE BASKET**

Assistant Commissioner for Patents

Mail Code

P. O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT, PETITION AND FEE TO CORRECT AND/OR ADD TO
ORIGINALLY NAMED INVENTOR(S) (37 C.F.R. 1.48(a) AND/OR (c))**

NOTE: 37 C.F.R. § 1.48(f)(1) states: "If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship.

(2) if the correct inventor or inventors are not named on filing a provisional application without a cover sheet under § 1.51(c)(1), the later submission of a cover sheet under § 4.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship."

1. This amendment and petition is to:

☒ correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a)

and/or

☐ add inventor(s) for subject matter disclosed in the application but previously unclaimed under 37 C.F.R. § 1.48(c).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 1/13/04

Signature

KIRK M. HARTUNG

(type or print name of person certifying)

2. Addition and/or deletion of inventor(s)

☒ Add the following previously unnamed person(s) as inventor(s) of this application:

BARRY E. TULLER

☐ Delete the following previously incorrectly named inventor(s)

3. Attachments

Attached is

(a) A statement from:

☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

☐ each person being added as an inventor that the amendment is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(c)(1).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63.

(c) written assent of the assignee (if applicable)

4. Fee payment (37 C.F.R. § 1.17(l))

The fee required is paid as follows:

☒ Enclosed is a check in the amount of \$130.00

☒ Charge Account No. 26-0084 in the amount of for any fee deficiency.

(A duplicate of this request is attached.)

☐ Charge account _____ the sum of \$_____.


SIGNATURE OF PRACTITIONER

Reg. No. 31,021

KIRK M. HARTUNG
(type or print name of attorney)

Tel. No.:(515) 288-3667

801 Grand Avenue, Suite 3200
P.O. Address

Des Moines, Iowa 50309



ATTORNEY'S DOCKET NO. P06038US0

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Name of Patentee: **RACHES, et al.**
Title of Invention: **THREE RACK DISHWASHER WITH DOOR MOUNTED
SILVERWARE BASKET**
Serial No: 10/647,492
Filing Date: August 25, 2003

COMMISSIONER FOR PATENTS

Mail Code

P. O. Box 1450

Alexandria, VA 22313-1450

**STATEMENT OF NON-DECEPTIVE INTENT BY PERSON BEING ADDED
BY PETITION TO CHANGE INVENTORSHIP IN PATENT
(37 CFR §1.324(b)(1))**

I, Barry E. Tuller, who is being added as an inventor by the petition being submitted to correct the inventorship of this patent does hereby declare that the inventorship error in failing to include my name as an inventor on this patent occurred without any deceptive intention on my part.

Barry E. Tuller

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 with sufficient postage:

37 CFR 1.8(a)

☐ as first class mail

37 CFR 1.10

☐ as "Express Mail Post Office to Addressee" Mailing Label No. _____

TRANSMISSION

☒ transmitted by facsimile to the Patent and Trademark Office

Date: 1/13/04

Kirk M. Hartung

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kirk M. Hartung". The signature is fluid and cursive, with a long horizontal stroke at the end.

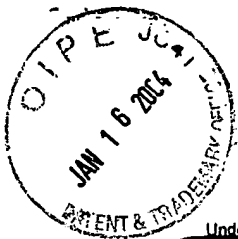
Kirk M. Hartung, Reg. No. 31,021

ZARLEY, McKEE, THOMTE,
VOORHEES & SEASE

CUSTOMER NO: 27139

Attorneys of Record

801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
515-288-3667 (phone)
515-288-1338 (fax) -bj-



PTO/SB/04 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**SUPPLEMENTAL
DECLARATION FOR UTILITY
OR DESIGN
PATENT APPLICATION
(37 CFR 1.67)**

Attorney Docket Number	P06038US00
First Named Inventor	RACHES, et al.
COMPLETE IF KNOWN	
Application Number	10/647,492
Filing Date	August 25, 2003
Art Unit	1746
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THREE RACK DISHWASHER WITH DOOR MOUNTED SILVERWARE BASKET

(Title of the invention)

the specification of which

☐ is attached hereto**OR**☒ was filed on (MM/DD/YYYY)

August 25, 2003

as United States Application Number or PCT International

Application Number

10/647,492

and was amended on (MM/DD/YYYY)

I hereby declare that the subject matter of the ☐ attached amendment ☐ amendment file on was part of my or our invention and was invented before the filing date of the original application, above identified for such invention.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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SUPPLEMENTAL DECLARATION — UTILITY OR DESIGN PATENT APPLICATION

Direct all correspondence to: <input checked="" type="checkbox"/>		Customer Number or Bar Code Label		27139		OR <input type="checkbox"/> Correspondence address below	
Name							
Address							
Address							
City		State		ZIP			
Country		Telephone		Fax			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name BARRY E.				Family Name or Surname TULLER			
Inventor's Signature <i>Barry E Tuller</i>						Date 12/17/03	
Residence: City Humboldt		State Tennessee		Country US		Citizenship US	
Mailing Address 86 Rolling Oaks Drive							
Mailing Address							
City Hunboldt		State Tennessee		ZIP 38345		Citizenship US	
Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
Mailing Address							
City		State		ZIP		Country	
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/ 02A or 02LR attached hereto.							



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Scott D. Raches, James K. Starkweather, Wayne M. VanLandingham, Barry E. Tuller

Application No./Patent No.: 10/647,492 Filed/Issue Date: August 25, 2003

Entitled: THREE RACK DISHWASHER WITH DOOR MOUNTED SILVERWARE BASKET

MAYTAG CORPORATION, a Delaware Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. [☒] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

JANUARY 5, 2004
Date

Patricia E. Martin
Typed or printed name
[Signature]
Signature

V.P. Secretary and Deputy General Counsel
Title

ASSIGNMENT

In consideration of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign to **MAYTAG CORPORATION**, an Iowa corporation, having an address of 403 W. 4th St., North, Newton, Iowa 50208-0039, its successors and assigns the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, Serial No. 10/647,492 filed in the United States Patent and Trademark Office on the 25th day of August, 2003, entitled **THREE RACK DISHWASHER WITH DOOR MOUNTED SILVERWARE BASKET**, and in said application and any and all other applications for United States Letters Patent, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent, applications, and in any reissue or extension thereof.

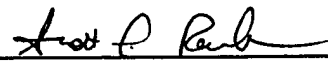
The undersigned hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said MAYTAG CORPORATION.

For said considerations the undersigned hereby agree, upon the request, and at the expense of said assignee, its successors and assigns, to execute any and all divisional continuation and substitute applications for said invention or improvements, and any necessary oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and for the said considerations the undersigned further agree upon the request of said assignee, its successors or assigns, in the event of any application or Letters Patent assigned herein becoming involved in interference, to cooperate to the best of the ability of the undersigned with said assignee, its successors or assigns in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, the undersigned hereby agreeing to perform, upon request, any and all affirmative acts to obtain said Letters Patent of the United States and vest all rights therein hereby conveying in the said assignee, its successors and assigns whereby said Letters Patent will

be held and enjoyed by the said assignee, its successors and assigns to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

And for said considerations the undersigned hereby assign to said assignee, its successors and assigns, the entire right, title and interest in said invention or improvements for any and all foreign countries and agree upon the request of assignee, its successors and assigns to execute any and all documents that undersigned shall be requested to execute in connection with any and all applications for foreign Letters Patent therefor, including the prosecution thereof, and to execute any and all documents necessary to vest title in said foreign applications and patents in assignee.

The attorneys of record are hereby authorized to insert the serial number and the filing date in the above blank spaces when received from the Patent Office.

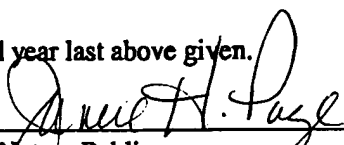


Scott D. Raches

STATE OF TENNESSEE)
) ss.
COUNTY OF Madison)

On this 4th day of August, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared Scott D. Raches, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.



Notary Public

Commission Expires 12/21/04

James K. Starkweather
James K. Starkweather

STATE OF TENNESSEE)
COUNTY OF Madison) ss.

On this 13 day of August, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared James K. Starkweather, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

Janice H. Page
Notary Public

Commission Expires 12/21/04

Wayne M. VanLandingham
Wayne M. VanLandingham

STATE OF TENNESSEE)
COUNTY OF Madison) ss.

On this 5th day of August, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared Wayne M. VanLandingham, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

Janice H. Page
Notary Public

Commission Expires 12/21/04

Barry E. Tuller
Barry E. Tuller

STATE OF TENNESSEE)
) ss.
COUNTY OF Madison)

On this 19th day of December, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared Barry E. Tuller, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

Janice H. Page
Notary Public

Commission Expires 12/21/04